



## **FARMERS BRANCH**

### **ORDINANCE NUMBER 2974**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A GAS WELL SITE ON A 6.0-ACRE TRACT LOCATED AT 12651 MERCER PARKWAY AND WITHIN PLANNED DEVELOPMENT 88 (PD-88) ZONING DISTRICT, INCLUDING A SITE PLAN, SPECIAL EXCEPTIONS, AND SPECIAL CONDITIONS; PROVIDING FOR REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS PER OFFENCE; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow a natural gas well site on a 6-acre tract located generally at 12651 Mercer Parkway within Planned Development 88 (PD-88) zoning district (hereinafter the "Property"), said property being more particularly described in Exhibit "A" attached hereto and incorporated herein as if set out in full in this Section 1.

**SECTION 2.** That the Property shall conform in operation, location and construction to the development standards specified within Planned Development 88 (PD-88) zoning district and

in accordance with the Site Plan attached hereto as Exhibit "B," and shall be further developed in accordance with the following Special Exceptions and Conditions:

**A. Special Exceptions:**

- (1) A combination masonry wall/metal fence (6 feet high) shall be constructed approximately 20 feet from the front property line as shown on Exhibit B-Site Plan (Landscape Plan Details).
- (2) The combination wall/fence may be constructed with blank wall lengths of more than 40 feet, provided heavy vegetative screening is installed on both sides of the structure at such locations.
- (3) One vehicular gate of approximately 30 feet in width may be used to access the Property, said gate to be located generally as shown on Exhibit "B."
- (4) The streetscape to be installed along the frontage of Mercer Parkway adjacent to the Property may be designed and installed as shown on Exhibit "B".

**B. Special Conditions:**

- (1) A final plat of the Property must approved and recorded prior to issuance of a Certificate of Occupancy or activities relating to the exploration and/or production of natural gas may commence on the Property.
- (2) Construction and/or installation on the Property of all sidewalks, street lights, landscaping, and fence improvements shown on Exhibit "B", must be completed not later than 18 months from the effective date of this Ordinance.
- (3) If the operator who obtains a Gas Well Permit for the drilling and production of natural gas on and from the Property commences drilling one or more gas wells on the Property and subsequently abandons all such drilling and/or production activities, and such abandonment occurs prior to the completion of construction of the improvements required by the Special Condition set forth in Paragraph (2), above, the Property must be restored to the condition of the Property prior to the adoption of this Ordinance, said restoration to be completed not later than 18 months after the effective date of this Ordinance.
- (4) No activity for the exploration, drilling, or production of oil, gas, or other minerals shall occur on the Property until the holder of the Gas Well Permit authorizing such activities on the Property has signed a Right-of Way Maintenance and Repair Agreement with the City of Farmers Branch.

**SECTION 3.** That all provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other



provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 5.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** In addition to and accumulative of all other penalties, the City of Farmers Branch shall have the right to seek injunctive relief for any and all violations of this ordinance.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 4th day of November, 2008.**

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

ATTEST:



Cindee Peters, City Secretary

## Exhibit A- Legal Description

### LAND DESCRIPTION

Being a tract of land situated in the James F. Chenoweth Survey, Abstract No. 267, Dallas County, Texas and being a portion of Block A, Westside Addition Section 1, an addition to the City of Farmer's Branch as recorded in County Clerk's Document No. 200600172708 of the Deed Records of Dallas County, Texas and also being a portion of that certain tract of land as described in deed to TCI Mercer Crossing, Inc. as recorded in County Clerk's Document No. 200600375806 as recorded in the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING** at the intersection of the westerly right-of-way line of Luna Road (a variable width right-of-way) and the southerly right-of-way line of Mercer Parkway (a variable width right-of-way);

**THENCE**, departing the westerly right-of-way line of said Luna Road and along the southerly right-of-way line of said Mercer Parkway the following courses:

North 65 degrees 01 minutes 09 seconds West, a distance of 80.59 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

South 75 degrees 36 minutes 09 seconds West, a distance of 55.41 feet to a 5/8 inch iron rod set with "Pate" cap for a corner and being the beginning of a curve to the right, having a central angle of 11 degrees 14 minutes 04 seconds, a radius of 1,086.50 feet and being subtended by a 212.70 foot chord which bears South 81 degrees 13 minutes 12 seconds West;

Along said curve to the right in a southwesterly direction, an arc distance of 213.04 feet to a 5/8 inch iron rod set with "Pate" cap for a corner at the end of said curve;

North 03 degrees 09 minutes 47 seconds West, a distance of 16.50 feet to a 5/8 inch iron rod set with "Pate" cap for a corner at the beginning of a non-tangent curve to the left, having a central angle of 47 degrees 58 minutes 13 seconds, a radius of 1,070.00 feet and being subtended by a 869.91 foot chord which bears North 69 degrees 10 minutes 40 seconds West;

Along said curve to the left and along said northwesterly direction, an arc distance of 895.84 feet to a 5/8 inch iron rod set with "Pate" cap for the **POINT OF BEGINNING**;

**THENCE** South 53 degrees 52 minutes 19 seconds West, departing the southwesterly right-of-way line of said Mercer Parkway, a distance of 440.89 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the easterly line of the Farmers Branch - Carrollton Flood Control District as recorded in Volume 76185, Page 1406 of the Deed Records of Dallas County, Texas;

**THENCE** North 36 degrees 07 minutes 41 seconds West, along the easterly line of said Farmers Branch - Carrollton Flood Control District, a distance of 606.64 feet to a 5/8 inch iron rod set with "Pate" cap for a corner;

**THENCE** North 53 degrees 52 minutes 19 seconds East, a distance of 433.34 feet to a 5/8 inch iron rod set with "Pate" cap for a corner on the southwesterly right-of-way line of the aforesaid Mercer Parkway;

**THENCE** South 35 degrees 21 minutes 18 seconds East, along the southwesterly right-of-way line of said Mercer Parkway, a distance of 423.67 feet to a 5/8 inch iron rod set with "Pate" cap for a corner at the beginning of a curve to the left, having a central angle of 09 degrees 50 minutes 15 seconds, a radius of 1,070.00 feet and being subtended by a 183.49 foot chord which bears South 40 degrees 16 minutes 26 seconds East;

**THENCE**, along said curve to the left and along the southwesterly right-of-way line of said Mercer Parkway in a southeasterly direction, an arc distance of 183.72 feet to the **POINT OF BEGINNING** and containing 261,359 Square Feet or 6.000 acres of land, more or less.



[illegible]





# Exhibit B – Site Plan- (Landscape Plan Details)

